

IN THE CIRCUIT COURT FOR HARFORD COUNTY

**BROMBERG LAW OFFICE, P.C.**

Suite 2010  
40 Exchange Place  
New York, New York 10005

**Plaintiff**

v.

**MICHAEL CRAIG WORSHAM**

1916 Cosner Road  
Forest Hill, Maryland 21050

*and*

**MICHAEL C. WORSHAM, P.C.**

(individually and t/a Law Office of  
Michael Craig Worsham)

1916 Cosner Road  
Forest Hill, Maryland 21050

*Serve on Resident Agent:*

Michael C. Worsham  
1916 Cosner Road  
Forest Hill, Maryland 21050

*and*

**INTERNAL REVENUE SERVICE**

31 Hopkins Plaza  
Baltimore, Maryland 21201

**Defendants**

Case Number:

12 - C - 12 - 1420

**MICHAEL GREGG MORIN**

*Attorney at Law*

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FILED

**COMPLAINT FOR INTERPLEADER**

Stakeholder and Plaintiff; Bromberg Law Office, P.C.; by its attorney Michael Gregg Morin; pursuant to Maryland Rule 2-221, files this action for interpleader

against Defendants Michael Craig Worsham, Michael C. Worsham, P.C. (individually and trading as Law Office of Michael Craig Worsham), and the Internal Revenue Service; and states:

1. Plaintiff and Stakeholder; Bromberg Law Office, P.C. ("**Bromberg**"); is a professional corporation organized under the laws of New York with its principal place of business in New York City, New York.

2. Defendant Michael Craig Worsham ("**Worsham**") is a natural person who, upon information and belief, resides at 1916 Cosner Road, Forest Hill, Harford County, Maryland 21050.

3. Defendant Michael C. Worsham, P.C. (t/a Law Office of Michael Craig Worsham) ("**Worsham Law Office**") is a Maryland professional corporation with, upon information and belief, its principal place of business at 1916 Cosner Road, Forest Hill, Harford County, Maryland 21050.

4. Defendant Internal Revenue Service ("**IRS**") is a United States government agency with its local office at 31 Hopkins Avenue, Baltimore, Maryland.

5. This action involves the respective rights, if any, of Worsham, the Worsham Law Office, the IRS, and other potential claimants to legal fees awarded by the United States District Court for the District of Maryland in *Eason v. AFNI, Inc.*, case no. 08-00128-JKS.

6. *Eason v. AFNI, Inc.* was a class action lawsuit in which Brian L. Bromberg; Bromberg Law Office, P.C.; Michael Craig Worsham; and the Law Offices of Michael

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Craig Worsham represented the Plaintiffs. A copy of the attorney listing in *Eason v. AFNI, Inc.* is attached as **Plaintiff's Exhibit No. 1.**

7. A final judgment was entered in *Eason v. AFNI, Inc.* on 25 January 2012 ("**Eason Judgment**"). A copy of the Eason Judgment is attached as **Plaintiff's Exhibit No. 2.**

8. All funds due, including attorney fees, allowed by the Eason Judgment have been paid to class counsel, Bromberg.

9. Bromberg has distributed all funds other than \$71,456.61 (the "**Funds**") that represents fees owed an attorney (\$68,449.41) and reimbursement for expenses paid by an attorney (\$3,007.20).

10. Upon information and belief, Worsham's reimbursable expenses were paid by Worsham from other than an attorney trust account. A copy of the Affidavit of Michael C. Worsham regarding his attorneys fees is attached as **Plaintiff's Exhibit No. 3.**

11. The Funds do not include any amount that represents funds payable "... in whole or in part to a client or third person ...".

12. The attorney fees that have not been distributed to class counsel, *i.e.*, \$71,456.61, remain in Bromberg's trust account.

13. Bromberg cannot maintain the Funds in his attorney trust account; it must distribute the Funds.

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14. Maryland Rules 16-604 and 16-607 prohibit the deposit of funds into an attorney trust account that are payment of fees owed an attorney or reimbursement for expenses properly advanced on behalf of a client.

15. New York rules governing attorney trust accounts are similar to Maryland Rules 16-604 and 16-607 in that an attorney cannot commingle attorney funds with trust funds in an attorney trust account.

16. Despite the unambiguous mandate of Rules 16-604 and 16-507, Worsham has repeatedly demanded that Bromberg make payment of Warshams' fees and reimbursable costs by check made payable to "Michael Worsham Attorney Trust Account".

17. Bromberg cannot issue a check to an attorney trust account for fees owed the attorney and reimbursement for expenses properly advanced by the attorney on behalf of a client.

18. Bromberg is required by IRS regulations to obtain a tax identification number prior to disbursing funds in excess of \$600.00.

19. Bromberg has repeatedly requested that Worsham provide a tax identification number to Bromberg.

20. Worsham has repeatedly refused to provide a tax identification number to Bromberg for either Worsham or the Worsham Law Firm.

21. Worsham has provided to Bromberg the tax identification number for the Maryland Legal Services Corporation ("**MLSC**").

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22. Upon information and belief, it would be inappropriate for Bromberg to use the MLSC tax identification number to report the payment of \$71,456.61 to Worsham or to the Worsham Law Firm.

23. Among other representations by Worsham for refusing to provide Bromberg with an IRS Form W-9 with a tax identification number, Worsham has characterized the payment of \$71,456.61 as interest and that the IRS Form W-9 is defective as "... it lacks an OMB control number ...".

24. With the absence of a tax identification number, Bromberg was required to withhold 28% of the payment to Worsham.

25. Bromberg issued a check to "Michael C. Worsham" for \$51,448.75 and withheld \$20,007.86 for disbursement to the IRS. A copy of the check is attached as **Plaintiff's Exhibit No. 4.**

26. Worsham voided the Bromberg check, returned the voided check to Bromberg, and again refused any payment not made out to "Michael Worsham Attorney Trust Account" and for any amount less than \$71,456.61. A copy of Worsham's letter to Bromberg is attached as **Plaintiff's Exhibit No. 5** and a copy of the voided check is attached as **Plaintiff's Exhibit No. 6.**

27. Although Bromberg has made a reasonable investigation into other potential claimants to the Fund, Bromberg has been unable to identify any other claimants and, upon information and belief, does not believe that there are claimants other than Worsham, Worsham Law Firm, and the IRS.

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28. Bromberg is an impartial stakeholder having no further interest or concern in the instant controversies, claims with respect to the Funds, or contentions with respect to the Funds other than Bromberg's request for reimbursement of its costs and reasonable attorney fees for this Interpleader.

29. Bromberg asks that it be dismissed from this Interpleader on the earliest possible date to minimize its claims for costs and reasonable attorney fees.

30. Bromberg is unable to determine the appropriate distribution of the Funds and is unable to retain the Funds.

31. The actual or potential claims to the Funds are hostile, conflicting, and mutually exclusive, and because of these claims, Bromberg is unable to safely determine for itself the appropriate distribution of the Funds and has great doubts as to the appropriate distribution of the Funds.

32. Bromberg asks this Court to make findings as to the proper distribution of the Funds between the Defendants, and any other potential claimants to the Funds, and to make distribution of the Funds.

33. Bromberg asks that its costs and reasonable attorney fees for this Interpleader be awarded from the Funds.


**WHEREFORE**, Plaintiff and Stakeholder Bromberg Law Office P.C. prays for an order of the Court:

- [1] Directing the Plaintiff and Stakeholder to deposit \$71,456.61 into the Court to abide the final judgment of the Court;

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- [2] Discharging the Plaintiff and Stakeholder from further liability with respect to the Funds on deposit with the Court;
- [3] Awarding the Plaintiff and Stakeholder costs and reasonable attorney fees from the Funds deposited with the Court;
- [4] Directing the distribution of the Funds deposited with the Court as the Court finds necessary and appropriate;
- [5] For such other relief as the Court may find necessary and appropriate.

For Bromberg Law Office, P.C.:



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